

# Exhibit 2

GREG H. BRISTOL

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

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MADELYN CASILAO, HARRY LINCUNA and ALLAN GARCIA,  
on behalf of themselves and all others similarly  
situated,

Case No.  
Plaintiffs, 5:17-CV-00800-SLP

v.

(1) HOTELMACHER, LLC, dba HOLIDAY INN EXPRESS;  
(2) STEAKMACHER, LLC, dba MONTANA MIKE'S  
STEAKHOUSE; (3) SCHUMACHER INVESTMENTS, LLC,  
dba WATER ZOO; (4) APEX USA, INC.; (5) WALTER  
SCHUMACHER; and (6) CAROLYN SCHUMACHER,

Defendants.

-----X  
DORRET FRANCIS, ANTHONY KENNEDY and CHRISTINE  
PEARCE, on behalf of themselves and all others  
similarly situated,

Case No.  
Plaintiffs, CIV-18-583-SLP

v.

APEX USA, INC.; HOTELMACHER, LLC, dba HOLIDAY INN  
EXPRESS; SONTAG, INC. dba HAMPTON INN CLINTON;  
STEAKMACHER, LLC, dba MONTANA MIKE'S STEAKHOUSE;  
SCHUMACHER INVESTMENTS, LLC, dba WATER ZOO INDOOR  
WATER PARK; WALTER SCHUMACHER and CAROLYN  
SCHUMACHER,

Defendants.

-----X  
VIDEOTAPED DEPOSITION VIA ZOOM VIDEOCONFERENCING

OF

GREG H. BRISTOL

Friday, August 21, 2020

Reported By:  
LINDA J. GREENSTEIN  
JOB NO. 315886

1 GREG H. BRISTOL

2 August 21, 2020

3 13:03 UTC Time

4  
5  
6  
7 Videotaped Deposition held via Zoom

8 Videoconferencing of Greg H. Bristol, taken by

9 Plaintiffs, before Linda J. Greenstein, a

10 Certified Shorthand Reporter and Notary Public of

11 the State of New York.

GREG H. BRISTOL

A P P E A R A N C E S:

(All parties appear via Zoom Videoconferencing)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, L.L.P.  
Attorneys for Plaintiffs  
500 Boylston Street  
Boston, Massachusetts 02116

BY: CATHERINE FISHER, ESQ.  
617.573.4867  
catherine.fisher@skadden.com

FELLER SNIDER  
Counsel for Defendants  
BancFirst Tower  
100 N. Broadway Avenue  
Suite 1700  
Oklahoma City, Oklahoma 73102

BY: C. ERIC SHEPHARD, ESQ.  
405.232.0621  
eshephard@fellersnider.com

DOERNER, SAUNDERS, DANIEL & ANDERSON, L.L.P.  
Counsel for Philadelphia Indemnity Insurance  
Company  
210 Park Avenue  
Suite 1200  
Oklahoma City, Oklahoma 73102-5600

BY: WILLIAM C. MCALISTER, ESQ.  
405.898.8658  
wmcaster@dsda.com

Also Present:

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, L.L.P.  
Elizabeth J. Perkins, Esq.

Dan Macom, Legal Video Specialist  
U.S. Legal Support

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2 study or your course of study for Michigan State?

3 A. I went to the College of Social  
4 Science and my degree was in criminal justice.

5 Q. Okay. And do you have any other  
6 further degrees after that?

7 A. No. Nothing further than a  
8 Bachelor's degree.

9 Q. Okay. And then I'm going to actually  
10 turn your attention to your page 23, Appendix A of  
11 the H-2B report.

12 A. Okay.

13 Q. And this is your resume or curriculum  
14 vitae; is that correct?

15 A. Yes, it is.

16 Q. And is that accurate as of today's  
17 date?

18 A. Yes, it is.

19 Q. Is there anything you would add --  
20 that needs to be added to this resume since you  
21 submitted it to us?

22 A. Not regarding work history other than  
23 some minor things like EEO work.

24 Q. When you say "EEO," can you just  
25 explain what the acronym means?

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2 Q. Could you give a relative percentage  
3 of how many of the cases you investigated involved  
4 labor trafficking?

5 A. I would say with regards to case  
6 openings, about 50/50. They're more labor  
7 trafficking, which I include domestic servitude  
8 and then sex trafficking.

9 Q. And when you were at the FBI, you  
10 were -- you were primarily involved in criminal  
11 investigations?

12 A. Yes, always criminal investigations.

13 Q. Okay. And then you --

14 A. One clear -- my first assignments was  
15 foreign counterintelligence, so that was not -- in  
16 1987, that was not a criminal squad.

17 Q. Did that involve any human  
18 trafficking issues?

19 A. No, not in 1987, no.

20 Q. Okay. Before you joined the Civil  
21 Rights Squad in 2006, had you worked in any human  
22 trafficking investigations while at the FBI?

23 A. Yes. The squad I was working on,  
24 public corruption, was next to the Civil Rights  
25 Squad and sometimes they would ask for a second

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2 agent present, so I was familiar with what they  
3 were doing and sometimes I sat in on interviews.

4 Q. And before -- so while you were  
5 sitting in on interviews, was it also a mix of sex  
6 trafficking, labor trafficking, domestic  
7 servitude?

8 A. Yes, same amount.

9 Q. And these were all for criminal  
10 matters, criminal investigations?

11 A. All criminal investigations, correct.

12 Q. Okay. And then you retired from the  
13 FBI in 2010; is that correct?

14 A. Yes.

15 Q. And you became at that point a  
16 Special Agent for the Inspector General for  
17 Afghanistan Reconstruction?

18 A. Yes, I did.

19 Q. And what were the nature of your job  
20 duties as a Special Agent -- I'm going to call it  
21 "SIGAR." I think that's correct. If it's not,  
22 let me know and I will stop, but just for quick  
23 ease I'm going to call it "SIGAR."

24 What were the nature of your job  
25 duties as a Special Agent for SIGAR?

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2 I spoke in Egypt, they asked me to  
3 speak at the U.S. Embassy in Egypt on human  
4 trafficking.

5 Q. Okay. Was that a presentation  
6 similar to what you would give to law enforcement  
7 in America showing, you know, what are the signs  
8 of human trafficking to look for?

9 A. I've had many meetings.

10 I met the Egyptian law enforcement  
11 and I focused on that. I did speeches to media in  
12 Egypt and I did general human trafficking training  
13 to the Embassy staff.

14 Q. Have they ever asked you to consult  
15 on the civil remedy portions of the TVPA?

16 A. No, never.

17 Q. And then looking at the next  
18 paragraph down, paragraph 8, it says you are  
19 currently working as a consultant on a human  
20 trafficking online training project for MIT; is  
21 that correct?

22 A. Yes, I am. It is correct.

23 Q. And can you describe what that  
24 training project is intended -- who that is  
25 intended to serve?



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2 Q. Did you ever ask for specific  
3 documents from defendants' counsel?

4 A. Did I ask for -- could you explain  
5 what you mean by a list or verbally?

6 Q. A list or a type of document.

7 A. I never made a request for documents  
8 because I was receiving them and it was a lot to  
9 take in, so I had enough. And my questions had  
10 been asked and answered.

11 Q. Okay. That goes to my next question,  
12 which is, did you ever explain to them what types  
13 of documents you would need to provide your  
14 opinion?

15 A. No. I was being satisfied that the  
16 things that I knew that I needed to look at were  
17 being provided to me.

18 Q. So you never gave them categories of  
19 documents that you would need to provide -- to  
20 provide your opinion?

21 A. No. I never gave them a request or  
22 list for that.

23 Q. And were there any types of documents  
24 you didn't receive that you think would have been  
25 helpful to prepare your opinion?

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2 A. Well, I would have liked to have seen  
3 all the employee payroll files of -- or all the  
4 depositions that were being done, but there -- I  
5 was receiving them as they came in.

6 Q. Okay. So when you say you would have  
7 liked to have received all the employee payroll  
8 files, that's for all of the H-2B or J-1 employees  
9 or something broader?

10 A. Well, my focus and my request were to  
11 help understand if this is a human trafficking  
12 case based on what Mr. deBaca's report was and  
13 based on the individuals there, the depositions, I  
14 had those, but I was never put on a hat as an  
15 investigator to do a financial fraud or an  
16 analysis of payroll records, which, of course, I  
17 would need to see all those, but I didn't -- I  
18 didn't ask because I wasn't doing that. I was  
19 looking at the human trafficking aspect.

20 Q. What types of documents do you think  
21 are important to review in making a determination  
22 about the human trafficking aspect?

23 A. The -- a contract or sometimes people  
24 are calling them a job offer, and the terms of the  
25 work, what they were doing, their pay stubs to see

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2 how much they were getting paid and anything in an  
3 employee file, like awards or discipline.

4 Q. Anything else?

5 A. Well, that's just a general answer.  
6 It all depends if I'm just looking at what is on  
7 the table with the plaintiffs' expert report and  
8 what he's saying is human trafficking or I'm doing  
9 more of an investigation, which I was not hired to  
10 do and I didn't ask to do.

11 Q. Can you explain to me the difference  
12 between looking at what's on the table with the  
13 plaintiffs' expert report and doing an  
14 investigation?

15 A. Well, sure. I can -- I can look at  
16 statements and evidence that's already been  
17 collected and knowing all the signs of a potential  
18 human trafficking case involving foreign nationals  
19 with an H-2B or J-1 visa, I can give you a pretty  
20 good ballpark idea if it is or is not a human  
21 trafficking case.

22 Q. And that is the type of investigation  
23 that you weren't asked to do here?

24 A. Yes. I was asked to respond and  
25 review an expert witness report as my primary

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2 purpose and then to help them understand if this  
3 was a broad-stroke human trafficking case or are  
4 these individual cases, and I learned that it was  
5 very individual and different cases.

6 Q. Can you explain to me what a broad  
7 stroke human trafficking case would look like?

8 A. Well, when you go to these  
9 conferences and someone gets up there in  
10 5 minutes, tells you what human trafficking is or  
11 domestic servitude or forced labor, and everybody  
12 just kinds of listen to it, when I know they're  
13 very individual and unique, especially involving  
14 foreign nationals.

15 And I don't think you can make a  
16 broad stroke declaration or explanation of human  
17 trafficking because it's some of the most  
18 complicated criminal cases I've ever worked in the  
19 FBI.

20 Q. So is it your opinion that it's  
21 basically impossible to have a broad stroke human  
22 trafficking claim or case?

23 A. I know it is, yes. You cannot do  
24 that.

25 Q. How do you know it is?

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2 A. Because these cases are so unique and  
3 the circumstances, especially with an employment,  
4 you have to understand what was behind the  
5 person's application, were they induced and forced  
6 to apply or did they walk into a job fair and  
7 apply, and then once they applied, what did they  
8 agree to do and what did they do when they got  
9 here.

10 I want to know what the fees people  
11 paid overseas to the U.S. Embassy or to the  
12 foreign country. I want to address the  
13 allegations of recruiter fees that are being  
14 reported as excessive, and I want to know how they  
15 got here and who paid for them to get here.

16 Q. And when you speak about these cases  
17 being so unique, are you referring to them as  
18 cases, as in criminal matters?

19 A. Yes, that's my expertise. I would  
20 only be talking about the criminal aspect.

21 Q. Okay. So can you opine on whether or  
22 not a broad-based civil action is possible?

23 A. Well, I'm not trained in the civil  
24 aspect, but to do -- to get there, you'd have to  
25 know if it's a human trafficking, and I can tell

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2 you if it is or is not human trafficking to help  
3 you make that decision.

4 Q. So it's your opinion that the  
5 standard for human trafficking is the same in the  
6 criminal and civil context?

7 A. Yes. What is or is not human  
8 trafficking are going to be the same on the civil  
9 aspect, separate from, you know, getting a T visa  
10 or something.

11 There are times when someone doesn't  
12 have to testify in court and they still can get  
13 the T visa.

14 Q. So other than getting a T visa, the  
15 standard for human trafficking is the same in the  
16 criminal and civil context?

17 A. Well, my expertise is on the criminal  
18 side. I have a lot of knowledge on the civil side  
19 because the people that I rescued would sometimes  
20 seek civil remedies and I followed the cases, but  
21 I wasn't involved in them.

22 Q. So can you opine today on whether or  
23 not the standard for human trafficking other than  
24 getting a T visa is the same in the criminal and  
25 civil context?

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2 all of the affidavits that you cited in your J-1  
3 report?

4 A. Yes. The ones that I looked at have  
5 been delivered and signed and I saw them in the  
6 binder too.

7 Q. Has anything that you've reviewed  
8 since your report was issued on July 24th changed  
9 any opinions in your report?

10 A. No, my opinion has not changed.

11 Q. And that's true for both reports?

12 A. Correct.

13 Q. Is there anything that you haven't  
14 received that you think would change your opinion?

15 A. Well, again, wearing the hat of an  
16 expert witness, which I'm learning, and staying  
17 focused what I'm doing is different than as an  
18 investigator, which I easily could do and get a  
19 lot more information, but I haven't been asked to  
20 do that so I don't think it's right for me to say  
21 what you should be doing or should not be doing.

22 Q. If you were in the role of an  
23 investigator, what types of documents would you  
24 want to have that you didn't review?

25 A. Well, I need to talk to people. Each

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2 one of these people should be available for an  
3 interview. Again, I'm wearing this new hat as an  
4 expert witness, which I would really do a lot  
5 better job if I was interviewing these people of  
6 the depositions that I've read.

7 So that's my first choice. And then  
8 I need to talk to more people to see if these are  
9 similar situations or are they unique, like I  
10 think they are, and I can do that in an interview.

11 Q. Other than conducting additional  
12 interviews, are there any other type of documents  
13 you would have wanted to be able to review if you  
14 were an investigator?

15 A. I'd like to see the Embassy's files  
16 of the interviews of these applicants, which I did  
17 as an FBI agent.

18 Q. Anything else?

19 A. With these countries like the  
20 Philippines, they have these offices, they have  
21 files of how they're interviewing people. I'd  
22 like to see that, which I would not have gotten  
23 because I would have had to use an MLAT, which  
24 would take about three years to get them, so, best  
25 wish, yeah, I'd like to have seen what they



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2 Q. And --

3 A. But it's not a scheme.

4 Q. Have you reviewed the documents that  
5 are called the Polo documents -- P-O-L-O -- that  
6 are submitted to the Filipino Embassy for Filipino  
7 workers for returning or going overseas?

8 A. In this binder, I saw them for the  
9 first time last night so I highlighted them and  
10 they're readable.

11 There are a few sections in some of  
12 the depositions, like half of a document is  
13 unreadable, but I've never seen such great P-O-E-M  
14 and P-O-L-O documents as -- than what you showed  
15 me here.

16 Q. So before receiving the binder, you  
17 hadn't seen those documents in detail?

18 A. Right. I just saw a section of a  
19 piece of it. Yeah, I've seen -- I saw 10 percent  
20 of what you showed me last night and today.

21 Q. Okay. And you mentioned that it's  
22 not the FBI's business or the Department of  
23 Labor's business if the housing costs were  
24 slightly different than what they understood them  
25 to be; is that correct?

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2 Exhibit 1.

3 And I want to focus specifically on  
4 the part of the sentence where you say "the  
5 current allegations or evidence do not support a  
6 determination of other human trafficking."

7 Could you just explain to me what  
8 that means, what you're referring to?

9 A. I was trying to do a catch-all to say  
10 anything related to human trafficking, so I looked  
11 up what class certification stage was and I looked  
12 up what the merit stage was and then I asked  
13 questions to Eric and his partner what level of  
14 the process we're at and they explained to me what  
15 class certification was. So it sounded like it  
16 was important to be able to say all these are  
17 human trafficking cases or they have to be looked  
18 at individually.

19 My position is you have to really  
20 look at them individually whatever form of human  
21 trafficking you're talking to, so other human  
22 trafficking would -- at that point, the human  
23 trafficking seemed to be less of an issue when you  
24 look at Mr. deBaca's report, rather than class  
25 certification, which is, I'm not qualified to go

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2 into detail of.

3 Q. Okay. When you say you looked up  
4 what class -- sorry, let me make sure I get this  
5 right.

6 A. Class certification stage.

7 Q. Stage, yes.

8 What did you look up?

9 A. Oh, I just read some news stories of  
10 civil lawsuits and class-action stuff. There's a  
11 lot of materials out there.

12 There wasn't anything that I needed  
13 to quote other than help me explain the process on  
14 the civil side of the house, which I'm learning  
15 about.

16 Q. Okay. And was any of that material  
17 included in the appendix to your report where you  
18 listed the materials you reviewed?

19 A. No. I looked -- was looking at  
20 definitions.

21 Q. Where were you looking at  
22 definitions?

23 A. I looked up the word "class  
24 certification stage" and there's a lot of  
25 information comes out, civil, and the different

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2 that you have to look at them closely to  
3 understand them. And that's why I said -- because  
4 that's how I end it. They're so uniquely specific  
5 to each individual.

6 So it's not the case in the other  
7 class-actions and other types of crimes or  
8 violations where they're very similar.

9 So from what I understood, that's why  
10 I added it, because it was a -- and this is the  
11 only time I'm really talking about the class  
12 aspects too.

13 Q. What is the basis for your statement  
14 that these are very individual and unique cases  
15 that you have to look at them closely to  
16 understand them?

17 A. Okay. A lot of people come in H-2B  
18 visas that are J-1s and they don't pay a recruiter  
19 any type of fee. A lot of them pay or have family  
20 members in the United States, so the  
21 transportation issues or lodging is not an issue.

22 You don't see those numbers, the  
23 dollar numbers, the costs to come here by those  
24 applications because when you sit down and look at  
25 them, it's not there.

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2 So when someone says it's a class or  
3 a group or they're all the same, I know it's not  
4 the case because I know those people didn't pay  
5 those, quote-unquote, "recruiting fees" that we've  
6 been talking about for 20 years that nobody --  
7 nobody really wants to address, so --

8 Q. How do you know that those people  
9 didn't pay those recruiting fees?

10 A. Because there are statements here  
11 that family members covered their expenses.

12 Q. So when you say "those people," are  
13 you referring specifically to the plaintiffs or to  
14 someone else?

15 A. Well, they would have been the  
16 individual interviewed by the defense. There were  
17 statements there that they weren't -- they didn't  
18 pay recruiting fees.

19 Q. Because their fees were paid for by  
20 family members instead?

21 A. That -- that was a common -- of the  
22 reasons or how they paid this stuff, it was -- it  
23 was paid that way or a family member paid a  
24 transportation fee, which is common.

25 Q. And when you testified that a lot of

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2 people come in on H-2Bs or J-1s and they don't pay  
3 a recruiter any type of fee, are you referring  
4 specifically to the class numbers, in this case,  
5 or to individuals generally?

6 A. Based on my experience in having  
7 cases 10 years ago and then following other cases,  
8 I see many H-2B people whether there's no mention  
9 of recruiting fees involved in the case.

10 Q. So these are H-2B people from prior  
11 cases that you've worked on?

12 A. Yes, or cases that I followed.

13 Q. Okay. And is that also the case for  
14 the J-1s, you're referring to J-1 cases that you  
15 followed or worked on?

16 A. Well, I have followed J-1s a little  
17 bit closer because of the cultural stuff, and I've  
18 got family members involved in the cultural world.

19 And I have not heard -- I don't read  
20 often where J-1 applicants pay exorbitant  
21 recruiting fees like you might see more so in the  
22 H-2B.

23 Q. Okay. So when you refer to the fact  
24 that a lot of people come in on the H-2B or J-1  
25 and they don't pay a recruiter or any type of fee,

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2 you're speaking generally about those types of  
3 immigrants and not specifically about the class  
4 members in these cases?

5 A. No. When I start hearing the word  
6 there's a scheme going on, it could create  
7 excessive recruiting fees, and that's not the case  
8 based on the ones that I'm reading, it shouldn't  
9 be called a scheme as a group because it's not a  
10 scheme. I can show you on the documents that you  
11 provide in this book, people that aren't paying  
12 it, so why are you trying to call it as a -- as a  
13 group.

14 Q. So are you testifying that among the  
15 people who are class members, some people paid  
16 fees and some people did not, or you're testifying  
17 that none of them paid fees?

18 A. No. I'm saying some paid fees and  
19 some didn't.

20 Q. And you're basing that off of the  
21 affidavits that you've reviewed that said that  
22 family members paid the fees instead?

23 A. Yes. But they're lumped into --

24 Q. So -- please go ahead. Sorry.

25 A. By the complaint, it's reading that

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2 these people, the colleagues who had these visas  
3 are part of a scheme and they're not if they're  
4 not paying any type of visa -- or processing fees  
5 or recruiters fees. That's how I understood the  
6 class aspect.

7 Q. Okay. And for people who didn't have  
8 family members paying for fees, presumably, they  
9 had to pay those fees themselves?

10 A. Yes. That would be the opposite  
11 where they had to pay the fee, or they chose to  
12 pay the fee.

13 Q. What in your view would be sufficient  
14 to permit a determination on a class-wide basis of  
15 whether or not there was trafficking?

16 A. Could you repeat the question again,  
17 please?

18 Q. What type of evidence would support a  
19 determination on a class-wide basis of human  
20 trafficking?

21 A. If I read the complaint and the first  
22 paragraph started off these individuals -- certain  
23 individuals have been certified as victims of  
24 human trafficking and the word scheme was in  
25 there, I would really be perking up and looking at



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2 it really closely for human trafficking.

3 But I don't see that because I don't  
4 think it is human trafficking.

5 Q. Okay. So I'm not speaking  
6 specifically about these cases anymore. Just  
7 generally, what type of evidence would support a  
8 determination on a class-wide basis of human  
9 trafficking?

10 A. That all the people are -- have been  
11 determined to be victims of human trafficking.  
12 Someone making that decision. The group --

13 Q. And the person making that decision  
14 would be the Department of Health and Human  
15 Services?

16 A. Or the judge.

17 Q. So how would a judge make a decision  
18 before a complaint is filed whether someone is the  
19 victim of human trafficking?

20 A. You're asking me for a conclusion  
21 from people I've never met, so I don't want to --  
22 I can't answer that question.

23 Someone's got to make a decision that  
24 these people are human trafficking victims.

25 Q. And what facts should they consider

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2 A. I'm not sure. It looks similar to  
3 it. I actually think I took it out of the course  
4 manual.

5 Q. So if you turn back to Exhibit 1, you  
6 see there's a footnote there that gives a URL?

7 A. Yes.

8 Q. I'm going to represent to you that  
9 the document behind 28 is the page that's  
10 currently -- that is that URL.

11 A. Oh, okay. Thank you. And I did not  
12 see that when I looked at this.

13 Q. Do you remember looking at this web  
14 page when you created that list of red flags?

15 A. Yes, I do.

16 Q. And I'm going to -- if you look at --  
17 there's a list starting with the first page of  
18 common work and living conditions and four down it  
19 says "is unpaid, paid very little or paid only  
20 through tips."

21 Do you see that?

22 A. Okay.

23 Q. Why did you decide not to include  
24 that in your list of red flags in paragraph 25?

25 A. Just that I was going to pick about

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2 10 things and try not -- to avoid duplication.

3 Q. What made you decide to pick just 10  
4 things?

5 A. I tried to do this section in one  
6 page. Two pages at the most. I had an outline of  
7 what I was going to do and I didn't want it to be  
8 running too late. I wanted to show another  
9 entity, add information that was showing what  
10 human trafficking is and if the reader wanted to  
11 do it, they can go take a look at it.

12 Q. Okay. And do you see three down from  
13 that sentence I just read, one of the red flags  
14 listed is: "Owes a large debt and is unable to  
15 pay it off."

16 Do you see that?

17 A. Yes, I do.

18 Q. And did you decide to include that in  
19 paragraph 25?

20 A. No. Some of this stuff had been  
21 talked about before.

22 Q. Can you show me where this red flag  
23 was talked about before in your list of --

24 A. Well, I talk about it in my Table 1,  
25 in the following pages about salaries.

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2 So when I look at large debt and  
3 unable to pay it off, that's -- that's the lowest  
4 measurement that I would use on a human  
5 trafficking case. This is very insignificant to  
6 me because of people who get arrested for human  
7 trafficking or victims are identified. This stuff  
8 never -- it's not that important.

9 The windows are important. The high  
10 security -- they're forcing them to live on-site,  
11 that's important. The verbal or physical abuse,  
12 that's really important. Construction workers who  
13 need safety equipment who don't get it, so -- I  
14 knew I was going to write a -- I think I do 47  
15 later lists, at a different list.

16 This was -- I planned on keeping this  
17 down to two pages.

18 Q. And you decided not to include flags  
19 that were similar to the allegations in the  
20 complaint?

21 A. No, I did not.

22 Q. Right below that, it says -- one of  
23 the flags is: "Recruited through false promises  
24 concerning the nature or conditions of his or her  
25 work."

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2 Do you see that?

3 A. Yes, I see it.

4 Q. And did you include it in paragraph  
5 25?

6 A. In paragraph C I talk about payment,  
7 paragraph B is payment, D is hours, C is  
8 employment contracts.

9 Q. Can you tell me what paragraph you're  
10 looking at?

11 A. Oh, the -- 24 is the bullet point and  
12 then there's A, B, C through I, before I get to 25  
13 bullet point, the human trafficking hotline.

14 Q. Okay. So you're saying you don't  
15 think you included that because you think you  
16 included it in paragraph 24 as an important red  
17 flag for human trafficking?

18 A. Yeah. I'm trying to say which  
19 sources other than me, we've got TVPA talking  
20 about stuff, I have my career, and then I talk  
21 about the hotline and then I wanted to get into  
22 the meat of my report.

23 I know I'm -- at this time, I am  
24 writing Table 1, which I think has 47 red flags,  
25 so I'm writing these things down and then I'm

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2 putting them in order. I'm doing them  
3 alphabetical, like beratement, salary, working  
4 conditions, and I'm kind of plugging them in and  
5 avoiding duplication.

6 You know, if you add them all  
7 together, it would probably be 60, but to avoid  
8 duplication, I tried to keep it down and even then  
9 I couldn't get it on one page.

10 Q. And these are all red flags that you  
11 would tell somebody to consider when they're  
12 trying to make a determination on whether or not  
13 to report potential human trafficking?

14 A. Yes. I show the website on my  
15 presentation and how to click on certain things  
16 and sometimes it's the first time people have ever  
17 seen it and why it's important and that's how we  
18 got some calls sometimes.

19 People are learning what it is and  
20 what is not and then they pick up the phone and  
21 call.

22 Q. And are these the same red flags that  
23 the Department of Health and Human Services uses  
24 when it makes a determination of whether or not to  
25 certify someone as a human trafficking victim?

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2 A. You know, I've heard them speak about  
3 what they do. I don't know if there's a  
4 checklist. I know they look at more of charging  
5 documents and police reports and, you know, it's a  
6 variety. It all depends on who's doing the  
7 processing. It's a process that HHS has.

8 Q. And so you're not sure what  
9 specifically the people doing this processing at  
10 HHS look for when they make a determination of  
11 whether or not someone is a human trafficking  
12 victim?

13 A. I'm not qualified to answer that. I  
14 can't tell you what they do.

15 Q. Okay.

16 A. I've heard them speak, but it was  
17 very general speeches.

18 Q. Can you please turn to Exhibit 5.  
19 (Exhibit 5 for  
20 identification, three-page article titled  
21 "Combating Human Trafficking Takes Everyone.")

22 BY MS. FISHER:

23 A. Okay.

24 Q. Do you recognize this document?

25 A. It's a report I co-authored for a

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2 Q. Do you know what the elements are for  
3 the claim for the civil remedy claim?

4 A. No, I'd have to look it up.

5 Q. So in your report, when you opine on  
6 that you don't think that that evidence supports  
7 the determination of human trafficking, you're not  
8 referring to the elements of the civil remedy  
9 claim?

10 A. No. I'm doing my mind frame and I'd  
11 have to look at my report was, if it's not human  
12 trafficking, then the civil aspect is not  
13 accurate. That's how I was looking at it. You  
14 might --

15 Q. When you were making the  
16 determination -- sorry.

17 A. That's okay.

18 Q. Please continue.

19 A. I just said, it could be something  
20 else other than human trafficking.

21 Q. What were you using as your  
22 definition of human trafficking?

23 A. It's defined under TVPA what they  
24 consider a severe form of human trafficking.  
25 Because there's a lot of -- there's also human



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2 trafficking, but since it's not severe, the  
3 prosecutors won't prosecute it.

4 Q. Okay. So you were focused on the  
5 severe form that a prosecutor would decide to  
6 prosecute?

7 A. Yes. As defined by the TVPA, which  
8 has a section for the civil remedies.

9 Q. Do you know whether the definition of  
10 human trafficking in the severe form that a  
11 prosecutor would decide to prosecute is the same  
12 as the definition in the section for civil  
13 remedies?

14 A. I don't know.

15 Q. Are you aware that the Department of  
16 Labor investigated two of the defendants in this  
17 action?

18 A. I am aware of it. I have not read  
19 their ruling.

20 Q. Okay. How did you become aware of  
21 it?

22 A. Before I signed an agreement with the  
23 firm, I did Google searches of the name and saw  
24 some newspaper stories and it mentioned Department  
25 of Labor.

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2 Attorney's Office and they remind us over and over  
3 that they're more than willing to help on human  
4 trafficking cases, but they're not getting the  
5 calls from law enforcement.

6 Q. And the only information you have  
7 about the Department of Labor investigation is  
8 what you found when you searched for information  
9 on the Internet?

10 A. Yes. I saw references of Department  
11 of Labor and then -- and I saw -- yeah, that's  
12 where I saw it, but I -- I never pursued it.

13 Q. So you don't know what claims the  
14 Department of Labor were pursuing?

15 A. I know they were -- there's  
16 references to settlements of back wages in  
17 Mr. Schumacher's deposition or Mrs. Schumacher's  
18 deposition, that there were back pay and he paid  
19 it reluctantly.

20 Q. But you didn't think it was important  
21 to look at the documents themselves to determine  
22 whether or not that his representations were  
23 accurate?

24 A. The Department of Labor's or his?

25 Q. Mr. Schumacher's testimony that the

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2 settlement was about back pay.

3 A. Well, I didn't -- I didn't need it.  
4 I wasn't asked to do it. And, so -- if I had time  
5 and I was given the ability of what more that I  
6 want is kind of clear that I had enough work to do  
7 with the documents that I was being given and it  
8 was -- my process was going well and the report  
9 was going -- was getting very thorough and I could  
10 support my claim, so I didn't need more work.

11 It wouldn't -- it wouldn't add  
12 anything more to it other than more accuracy on  
13 the payroll stuff, but I wasn't asked to do a  
14 payroll financial report, which I'm capable of  
15 doing.

16 Q. How do you know it wouldn't have  
17 added anything more if you never reviewed the  
18 documents?

19 A. Because when I see the word "scheme"  
20 used in the complaint eight times and Mr. deBaca's  
21 report using it more than 30 times -- sometimes,  
22 though, in titles -- and this constant schemes  
23 that aren't there, that's my focus on, because  
24 many of these allegations are labor disputes and  
25 DOLs, or he come out saying there were differences

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2 in labor, and that Mr. Schumacher pays it, it's  
3 not really any of my business.

4 Q. And when you say that the DOL come  
5 out and say there were differences in labor,  
6 you're referring to Mr. Schumacher's  
7 characterization of the settlement with the DOL;  
8 is that correct?

9 A. Yeah. And then references in news  
10 stories that there was a -- Department of Labor  
11 did a wage settlement. It's a civil action, not a  
12 criminal action.

13 Q. If the Department of Labor had  
14 determined that this was a labor trafficking case,  
15 would that have changed your opinion?

16 A. Yes, it would.

17 Q. And if the Department of Labor had  
18 conducted interviews of employees at the  
19 Schumacher companies and H-2B workers at the  
20 Schumacher companies, would those interviews have  
21 been relevant to your determination of whether or  
22 not this was human trafficking?

23 A. I had already made that conclusion  
24 before I would even have considered adding more.

25 Q. And how did you make that conclusion?

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2 or I've looked at and they're very confusing at  
3 times. 180 --

4 Q. And so just from looking at the  
5 complaint and description of the scheme, you knew  
6 that it wasn't actually a scheme?

7 A. On the first one, yes. I know it's  
8 not a scheme because I know how these Embassies  
9 work. I've seen it firsthand and I've interviewed  
10 these H-2B people and -- or I've seen them at  
11 conferences and with tears running down their eyes  
12 on how much they're paying, but, you know, if  
13 there's a calculation that they knew they're going  
14 to make X amount of dollars and there's a profit  
15 at the end of six months or nine months, who am I  
16 to tell people to not do this when they're  
17 choosing to do -- do it.

18 There's many reasons for someone  
19 to -- according to the reports -- to take an H-2B  
20 job when they break even at the end of six months  
21 or nine months.

22 Q. And if the calculation that they knew  
23 they were going to make X amount of dollars turns  
24 out to be incorrect, does that change your  
25 assessment of whether or not there was human

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2 Q. Why is it immaterial?

3 A. Because I want to know what happens  
4 in the United States, in Ohio or Michigan, and did  
5 they think they were getting a job at a car  
6 dealership and they end up on a chicken farm with  
7 a guard and a barbed wire fence and German  
8 Shepherds. That's what I need to know.

9 That's how I'm going to build a case  
10 of human trafficking, because I've already got  
11 prosecutors telling me: "Where is the German  
12 Shepherd and barbed wire fences?" That's what  
13 they want.

14 Q. That's what they want for cases that  
15 they're going to criminally prosecute?

16 A. Yes, the easy cases.

17 Q. Are there any other schemes that you  
18 were able to dismiss based on what was written in  
19 the complaint?

20 A. Yes. If I could look at it, I could  
21 see them.

22 Q. Right now, you don't remember what  
23 those schemes were that you thought were not  
24 credible based on the complaint?

25 A. Yeah. I've got -- it's hard to --

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2 And I think Mr. Schumacher said: "If we didn't  
3 charge that \$50, we'd be flooded with hundreds of  
4 people." You know?

5 Q. Sorry, what relevance does your  
6 answer have to my question, which is, why does it  
7 matter if evidence is in a language you don't  
8 speak?

9 A. Because what decision they made in  
10 another country is not a violation of U.S. law. I  
11 mean, you'd have to know the contents and was  
12 pressure put on someone to do it, what was the  
13 tone of their voice.

14 I can't even get a prosecutor to work  
15 on a case here in this county. How can I do  
16 something in a foreign country with a language I  
17 can't speak?

18 Q. So for practical reasons, you have to  
19 ignore evidence that's hard to access because you  
20 can't understand it?

21 A. Well, I don't ignore anything. I do  
22 what I can as an investigator to collect the  
23 evidence, but it's going to be more important  
24 what's happening in the United States and then --  
25 than on these other countries. It's nice to

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2 know -- it's helpful to know if there is a scheme  
3 going on or is it just a misunderstanding of  
4 permit applications.

5 But it's such a small point, I don't  
6 want to spend my time on the language difference  
7 of who agreed to what and what the recruiter said  
8 was going to be done for the running of the permit  
9 over to the U.S. Embassy because he has a friend  
10 who came through the front door. It's not human  
11 trafficking.

12 Q. So you don't think recruitment  
13 promises made that are untrue could be relevant to  
14 human trafficking?

15 A. I think it's relevant but it's at the  
16 very low perspective of the elements that are  
17 going to convince a prosecutor to prosecute.

18 Q. And so we had been asking what number  
19 of red flags would a prosecutor care about.

20 What number of red flags would you  
21 advise people to pay attention to in your  
22 training?

23 A. In my training, I often or am capable  
24 of breaking them down to less likely trafficking,  
25 in the middle of the road you need to take a



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2 Exhibit 1, I want to look at page 12, specifically  
3 paragraph E.

4 A. Okay.

5 Q. Let's look at the version in  
6 Exhibit 2. So Exhibit 2, page 12, same Exhibit E.

7 It reads: "Other than  
8 unsubstantiated rumors, there are no indications  
9 that the defendant threatened to deport the named  
10 plaintiffs or other proposed class members."

11 Do you see that?

12 A. Yes.

13 Q. Okay. What type of evidence would  
14 you have considered an indication that the  
15 defendants threatened to deport the named  
16 plaintiff or proposed class members?

17 A. Well, I'm looking at rumors versus  
18 someone saying "he threatened me for deportation,"  
19 or if I had evidence like in the Farrell case, we  
20 picked up the phone and called -- called  
21 immigration, or in my case the Bachalana, the  
22 rebuttal, she's saying: "If you don't get on a  
23 plane, I'm calling the FBI and you're going to  
24 lose your visa on Monday."

25 I'm looking at those kinds of